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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,152	11/25/2003	Charles H. Tabb	D/A1368I1	7034
25453	7590	08/23/2005	EXAMINER	
ROYER, WILLIAM J				
ART UNIT		PAPER NUMBER		
		2852		

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/722,152	TABB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William J. Royer	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11252003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

***Drawings***

The drawings are objected to because of the following informalities:

In Figure 1, change the label in box “15” from “ESS LOCATION” to --- ESS ---.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities:

On page 1, line 2, the current status of “pending allowed Application No. 10/151,121” should be updated to reflect that the application is now a patent, US 6,735,399 B2.

In paragraph [0003], line 6, change “photo receptor” to --- photoreceptor ---.

In paragraph [0012], line 4, after “within” insert --- a ---.

In paragraph [0020], line 4, after “CRU” insert --- or ---.

In paragraph [0020], line 8, change “cassette” to --- CRU 1 ---.

In paragraph [0023], line 6, delete --- print cartridge ---.

In paragraph [0023], lines 9 and 10, change “memory 30” to --- memory chip 30 -

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In paragraph [0023], lines 15 and 17, after “CRU” insert --- 1 ---.

In paragraph [0025], line 5, after “CRUM” insert --- 30 ---.

In paragraph [0035], line 1, after “machine” insert --- 100 ---.

In paragraph [0035], line 2, change “processor” to --- CPU 41 ---.

In paragraph [0035], lines 3 and 6, change “drum” to --- belt 20 ---.

In paragraph [0035], lines 4 and 12, after “CRUM” insert --- 30 ---.

Appropriate correction is required.

The abstract of the disclosure is objected to because of the inclusion of legal phraseology, i.e., comprising. Correction is required. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirst et.

al. Referring to the figures, Hirst et al disclose providing an image forming device 10 (i.e., machine; printing apparatus; printer apparatus) that includes a housing 11 to house various electronic components. The electronic components may include: a print engine 12, a printer controller 13, a formatter 14 and an input 15 for receiving data to be printed. Further, a consumable device (i.e., replaceable sub-assembly; CRU; print cartridge; toner cartridge; customer replaceable unit) for the image forming device, such as a toner cartridge 18, is disclosed. The consumable device is provided with a storage element or memory device 19 (i.e., memory; CRUM), such as an EEPROM, affixed to or within the housing of the consumable device. It is noted that it is disclosed that other non-volatile memory devices will also work in place of the EEPROM. The memory device includes a memory segment 19e that provides storage space for new lookup tables (i.e., look up table of coefficient values), such as color lookup tables (i.e., estimated wear coefficients), to update the lookup tables in a microcomputer 30 of the image forming device. Furthermore, it is disclosed that normally factory installed lookup

tables for the microcomputer are programmed into a ROM 32 at the time of manufacture. However, it is disclosed that an update to color lookup tables may be necessary as toner formulations are optimized because it is sometimes necessary to alter some or all of the electrographic printing parameters to take advantage of the new toner formulation (i.e., look up table of coefficient values relating to utilization of the replaceable sub-assembly responsive to a design variance). In order to update the factory installed lookup tables, new lookup tables are stored in memory segment 19e of the memory device and are uploaded into EEPROM 33 of the microcomputer of the image forming device. In this manner new lookup tables can be introduced into an existing image forming device by a user when replacing a used consumable device with a new one having updated lookup tables. Besides the above, Hirst et al disclose numerous examples of consumable devices including: toner cartridges; photoconductors; developer assemblies; fuser assemblies; cleaning rollers; oiling rollers; transfer assemblies; transfer belts' gear trains; ribbons; ink cartridges; ink bladders; and print heads among others. Further, Hirst et al disclose that the image forming device may include: facsimile machines; thermal printers; impact printers; ink jet printers and virtually any other kind of device which uses expendable components to create images.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. US 6,735,399 B2 in view of Hirst et al.

U.S. Patent No. US 6,735,399 B2 discloses all the features claimed by the applicant except for upgrading the coefficient values stored in a lookup table in a machine by providing new lookup tables to the machine when a consumable is replaced.

Hirst et al teach that lookup tables in a machine can be updated by storing new lookup tables in a memory provided on a consumable with the new lookup tables being installed into the machine when the consumable is replaced.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the memory in the consumable of U.S. Patent No. US 6,735,399 B2 could be programmed to store new lookup tables as taught by Hirst et al because the provision of new lookup tables allows electrographic printing parameters to

be altered based upon changes in design after the machine has left a factory as taught by Hirst et al.

***Relevant Prior Art***

The following prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

Bullock et al disclose a replaceable part with an integral memory for usage, calibration and other data.

Childers discloses a replaceable printer component including a memory device that defines printing capabilities.

Tsuruta discloses a control system for an image forming apparatus for set-up and control of an image forming cartridge.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William J. Royer  
Primary Examiner  
Art Unit 2852

wjr  
August 22, 2005